

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN PENA,

Plaintiff,  
-against-ROBERT MORTON, JR.; OLAYEMI ODENIYI,  
Defendants.USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 12/11/2020

7:19-CV-7336 (NSR)

SUPPLEMENTAL  
ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge

Plaintiff Juan Pena, who is currently incarcerated in the Bare Hill Correctional Facility, appears *pro se* and asserts claims that the defendants violated his federal constitutional rights. The Court construes Plaintiff's Third Amended Complaint (ECF No. 24) as asserting claims under 42 U.S.C. § 1983.

By order dated February 3, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* ("IFP"). The Court directs service on Defendant Olayemi Odeniyi. To allow Plaintiff to effect service on Defendant Odeniyi through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendant Odeniyi. The service address for Defendant Odeniyi is: Downstate Correctional Facility, 121 Red Schoolhouse Road, P.O. Box 445, Fishkill, NY 12524. The Clerk of Court is further instructed to issue a summons for Defendant Odeniyi, and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service on Defendant. Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss this action if Plaintiff fails to do so.

The Clerk of the Court is directed to mail a copy of this order to Plaintiff and show proof of service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

It is Plaintiff's responsibility to ensure that service is made within 90 days of the date the summons is issued, and if necessary, to request an extension of time for service.

Dated: December 11, 2020

SO ORDERED:

White Plains, New York



NELSON S. ROMÁN

United States District Judge